HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

Writ Petition No. 3108 of 2003

Between:

Smt Vem Venkatamma and others

… Petitioners

And

The Union of India, represented by its
Secretary, Ministry of Home Affairs,
Freedom Fighters Wing, New Delhi and another

… Respondents

:: ORDER::

Counsel for Petitioners: Ms. Hymavathi for
Sri S.Satyam Reddy

Counsel for Respondent No.1: Sri A.Rajashekar Reddy
Assistant Solicitor General

Counsel for Respondent No.2: Government Pleader for Revenue

September 5, 2006

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In this petition, the petitioners have prayed for issue of a mandamus to Government of Andhra Pradesh to forward the verification report dated 20-10-1999 submitted by District Collector, Warangal to the Government of India for the purpose of grant of pension to them under the Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme').

The petitioners' claim for grant of pension under the 1980 Scheme is entirely founded on their assertion that they had participated in the Hyderabad Liberation Movement. In the affidavit filed by petitioner No.1 Smt. Vem Venkatamma, it has been averred that in compliance of order dated 28-8-2000 passed by the learned Single Judge in Writ Petition No. 15706 of 2000, respondent No.1 was required to forward the report of the District Collector to the concerned authority for scrutiny of their claim for grant of pension, but no tangible steps were taken in that direction and on that account they have been denied of the right to receive pension under the 1980 Scheme.

In the counter-affidavit filed on behalf of respondent No.1, it has been averred that the petitioners are not eligible to get pension under the 1980 Scheme, because they do not fulfill the eligibility conditions prescribed by the Government of India. Along with the counter affidavit, a copy of communication dated 6-2-2004 sent to the petitioners by Under Secretary to the Government of India, Ministry of Home Affairs has been enclosed to show that the claim of the petitioners has been rejected.

Sri A.Rajashekar Reddy, learned Assistant Solicitor General

submitted that notwithstanding the rejection of the petitioners' claim for grant of pension under the 1980 Scheme by treating them as 'Freedom Fighters' who had taken part in Hyderabad Liberation Movement, respondent No.1 is willing to re-consider their claim for grant of pension, provided some acceptable documentary evidence is produced by the petitioners.

In view of the statement made by Sri A.Rajashekar Reddy, the writ petition is disposed of with a direction that within two months of the submission of some acceptable evidence by the petitioners to Deputy Secretary, Ministry of Home Affairs, Government of India, Freedom Fighters Division, the latter shall examine their cases afresh and pass appropriate order and communicate the same to each one of them by Registered Post.

If the petitioners are found eligible and entitled to receive pension under the 1980 Scheme, then appropriate direction be given to the concerned authority to release the pension in their favour.

G.S. SINGHVI, CJ

September 5, 2006
GRR